

**Before the  
FEDERAL COMMUNICATIONS COMMISSION  
Washington, DC 20554**

**FILED/ACCEPTED**

**MAR 20 2012**

Federal Communications Commission  
Office of the Secretary

In re

**MARITIME COMMUNICATIONS/LAND  
MOBILE, LLC**

Participant in Auction No. 61 and Licensee of  
Various Authorizations in the Wireless Radio  
Services

Applicant for Modification of Various  
Authorizations in the Wireless Radio Services

Applicant with **ENCANA OIL AND GAS (USA),  
INC.; DUQUESNE LIGHT COMPANY; DCP  
MIDSTREAM, LP; JACKSON COUNTY  
RURAL MEMBERSHIP ELECTRIC  
COOPERATIVE; PUGET SOUND ENERGY,  
INC.; ENBRIDGE ENERGY COMPANY,  
INC.; INTERSTATE POWER AND LIGHT  
COMPANY; WISCONSIN POWER AND  
LIGHT COMPANY; DIXIE ELECTRIC  
MEMBERSHIP CORPORATION, INC.;**  
**ATLAS PIPELINE – MID CONTINENT, LLC;  
DENTON COUNTY ELECTRIC  
COOPERATIVE, INC., DBA COSERV  
ELECTRIC; AND SOUTHERN CALIFORNIA  
REGIONAL RAIL AUTHORITY**

EB Docket No. 11-71  
File No. EB-09-IH-1751  
FRN: 0013587779

Application File Nos. 0004030479,  
0004144435, 0004193028, 0004193328,  
0004354053, 0004309872, 0004310060,  
0004314903, 0004315013, 0004430505,  
0004417199, 0004419431, 0004422320,  
0004422329, 0004507921, 0004153701,  
0004526264, 0004636537,  
and 0004604962

To: Marlene H. Dortch, Secretary  
Attention: Chief Administrative Law Judge Richard L. Sippel

**ENFORCEMENT BUREAU'S  
STATUS REPORT ON MARITIME'S DISCOVERY DEFICIENCIES  
AND  
REQUEST FOR PRESIDING JUDGE'S INTERVENTION**

1. During the March 12, 2012 prehearing conference, the Presiding Judge instructed counsel for the Enforcement Bureau (Bureau) and for Maritime Communications/Land Mobile, LLC (Maritime) to confer in a cooperative effort to resolve the deficiencies in Maritime's responses to the "Joint Interrogatories to Maritime Relating to Nonconstruction and

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Discontinuance of Site-Based Operations.”<sup>1</sup> The Presiding Judge also directed the Bureau to file a status report concerning the status of these discovery negotiations.<sup>2</sup> The Bureau hereby submits its status report and, for the reasons discussed below, implores the Presiding Judge to issue an order compelling Maritime once and for all to produce the very relevant information sought.

2. As directed by the Presiding Judge, counsel for the Bureau and Maritime conferred by telephone on March 14, 2012. As a result of that conversation and based on the representations of Maritime’s counsel, the Bureau anticipated that it would be in a position to report that all outstanding discovery issues had been resolved. Regrettably, that is not the case.

3. During the telephone conversation, counsel for Maritime committed to producing supplemental and/or amended responses to Interrogatory Nos. 13, 14, and 15 that would provide the following information:

- Interrogatory No. 13: Maritime agreed to confirm for each location of each of its site-based authorizations (1) whether it is currently operating (*i.e.*, on-the-air, transmitting a signal) and (2) whether it has been in continuous operation (*i.e.*, continuously on-the-air, transmitting a signal) since its construction.
- Interrogatory No. 14: Maritime agreed to identify the locations it had referred to in previous responses for which operations had been “temporarily suspended” or “inactive for continuous periods of more than one year,” how long these locations had not been operating, and for what reason.
- Interrogatory No. 15: Maritime agreed to confirm for each location of each of its site-based authorizations whether it is off-the-air (*i.e.*, not transmitting a signal) and if so, to explain how long it has been off the air, and for what reason.

Maritime also agreed during the telephone conversation to supplement its responses to Interrogatory Nos. 5, 8, 11 and 20.

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<sup>1</sup> See also Order FCC 12M-19 (ALJ, rel. Mar. 7, 2012).

<sup>2</sup> See *id.*

4. To ensure that there were no misunderstandings, the Bureau promptly memorialized the substance of the telephone conversation in a letter that it e-mailed to Maritime's counsel. That e-mail is attached hereto as Exhibit A. At no time did Maritime disagree with the Bureau's characterizations of the substance of the telephone conversation or with the obligations to which the company had agreed.

5. On March 16 and 19, 2012, respectively, Maritime provided "Amended and Further Supplemental Response to Interrogatories" (attached hereto as Exhibit B) and "Errata and Additional Information Regarding Amended and Further Supplemental Response to Interrogatories" (attached hereto as Exhibit C). These further submissions appear to have provided information relating to Interrogatory Nos. 5, 8, 11 and 20. However, Maritime again failed to provide complete information in response to Interrogatory Nos. 13, 14 and 15.

6. Maritime's further submissions on March 16th and 19th are nearly identical to those which prompted the Bureau to file its February 16, 2012 Motion to Compel and its March 5, 2012 Request for a Prehearing Conference. One significant, if not shocking, difference of which the Presiding Judge should take particular note between Maritime's further submissions and those that it previously provided is that Maritime now admits that it *refused to even look for some of the requested information*.<sup>3</sup> For the Presiding Judge's edification, the Bureau has attached a chart to this pleading, as Exhibit E, that details Maritime's continuing discovery deficiencies.

7. The Bureau is now at wits end. At their core, the interrogatories in Exhibit E require Maritime to provide fundamental information that any Commission licensee should know: Are each of its stations currently on-the-air (*i.e.*, transmitting a signal)? And if not, how

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<sup>3</sup> See, e.g., Exhibit B at response to Interrogatory Nos. 13 and 14. As the Presiding Judge noted with regard to other discovery in this proceeding, Maritime's alleged lack of financial resources should not excuse its obligation to provide complete information. See, e.g., 10/25/11 Transcript at p. 290, filed herewith as Exhibit D.

long has any station been off-the-air and why? The information sought is unquestionably relevant, if not critical, to resolving Issue (g) which inquires whether the operations of Maritime's stations have been permanently discontinued.<sup>4</sup> The Bureau has engaged in legitimate discovery and is absolutely entitled to this information. Indeed, without this discovery, this case is at a standstill. The Bureau cannot proceed with depositions or even motions for summary determination without it. And yet, Maritime repeatedly has refused to provide clear, direct and complete responses, instead using the Bureau's proper factual inquiries as an opportunity to advance its own legal arguments for why any discontinuance of operations was unintentional.<sup>5</sup> After nearly six weeks of waiting for complete *factual* responses to its interrogatories,<sup>6</sup> the Bureau sees no choice but to again request the Presiding Judge's intervention.

8. Accordingly, the Bureau again implores the Presiding Judge to exercise his authority by issuing an order compelling Maritime to provide the following information, affirmed under oath as required by Section 1.323 of the Commission's rules,<sup>7</sup> no later than March 26, 2012:

- A chart, organized by call sign and location, indicating with a "yes" or "no" whether each location is currently on-the-air, *i.e.*, transmitting a signal;
- A chart, organized by call sign and location, indicating with a "yes" or "no" whether each location has been continuously on-the-air since the date that location was constructed;
- A chart, organized by call sign and location, indicating with a "yes" or "no" whether the operations of the stations identified in Table 3 of Maritime's Errata resumed and the date on which any such operations resumed; and

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<sup>4</sup> See *Maritime Communications/Land Mobile, LLC*, Order to Show Cause, Hearing Designation Order, and Notice of Opportunity for Hearing, EB Docket No. 11-71, FCC-11-64, rel. April 19, 2011 ("HDO") at ¶¶ 61 and 62(g).

<sup>5</sup> See Exhibit B at response to Interrogatory Nos. 13 and 14.


<sup>6</sup> See Order, FCC 12M-7 (ALJ, rel. Jan. 27, 2012) requiring Maritime to respond "fully and completely" to this discovery by February 6, 2012.

<sup>7</sup> See 47 C.F.R. § 1.323(b).

- For any call sign and location which Maritime indicates is not currently on-the-air, a chart that specifies the date that call sign or location went off the air and the reason why.

The Bureau also beseeches the Presiding Judge to admonish Maritime that if it fails to provide the information in the manner set forth above by the prescribed date, the Presiding Judge will impose an adverse inference against Maritime that all but the locations of three (3) site-based authorizations subject to a spectrum lease (*i.e.*, locations 3, 4, 6, 20, 30, 34 and 48 of call sign KAE889; locations 12, 15, 25 and 39 of call sign WRV374, and call sign WHG750) have been permanently discontinued.

Respectfully submitted,  
P. Michele Ellison  
Chief, Enforcement Bureau

  
Pamela S. Kane  
Deputy Chief  
Investigations and Hearings Division  
Enforcement Bureau

Brian J. Carter  
Attorney  
Investigations and Hearings Division  
Enforcement Bureau

Federal Communications Commission  
445 12th Street SW  
Room 4-C330  
Washington, D.C. 20554  
(202) 418-1420

March 20, 2012

## **EXHIBIT A**

**Pamela Kane**

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**From:** Pamela Kane  
**Sent:** Wednesday, March 14, 2012 1:17 PM  
**To:** 'Bob Keller'  
**Cc:** Brian Carter  
**Subject:** EB Docket No. 11-71 Maritime Communications/Land Mobile  
**Attachments:** 3.14.12.Letter to Robert Keller.pdf

Please see enclosed.

Pamela S. Kane  
Deputy Chief – Investigations & Hearings Division  
Enforcement Bureau  
Federal Communications Commission  
445 12<sup>th</sup> Street, S.W.  
Washington, D.C. 20554  
202-418-2393





**FEDERAL COMMUNICATIONS COMMISSION**  
Enforcement Bureau, Investigations and Hearings Division  
445 12<sup>th</sup> Street, S.W., Suite 4-C330  
Washington, D.C. 20554

March 14, 2012

**Via Email**

Robert J. Keller  
Law Offices of Robert J. Keller, P.C.  
P.O. Box 33428  
Washington, D.C. 20033  
(202-656-8490)

**Re: EB Docket No. 11-71 Maritime Communications/Land Mobile**

Dear Bob:

Pursuant to our conference call earlier today, the Enforcement Bureau ("Bureau") understands that Maritime Communications/Land Mobile, LLC ("Maritime") has agreed to provide supplemental or amended responses to Interrogatory Nos. 5, 8, 11, 13, 14, 15, and 20 of the Joint Interrogatories to Maritime Relating to Nonconstruction and Discontinuance of Site-Based Operations. Specifically, the Bureau understands that Maritime agreed to the following:

Interrogatory No. 5: Maritime agreed to provide, for each location of each of its site-based authorizations, either (1) the date on which construction was completed (and thus the date on which each location of each authorization was placed in operation) or (2) an acknowledgement that Maritime cannot provide the information requested.

Interrogatory No. 8: Maritime agreed to amend its response to confirm that the only entities to whom Maritime leases spectrum covered by each of its site-based authorizations are those identified in its Further Supplemental Response to Interrogatories filed on February 28, 2012.

Interrogatory No. 11: Maritime agreed to identify the time period, if any, during which a location of Maritime's site-based authorizations was not interconnected. If Maritime cannot provide the requested information, it agreed to amend its response to reflect this.

Interrogatory No. 13: Maritime agreed to confirm for each location of each of its site-based authorizations (1) whether it is currently operating (*i.e.*, on-the-air, transmitting a signal) and (2) whether it has been in continuous operation (*i.e.*, continuously on-the-air, transmitting a signal) since its construction. The Bureau understands that Maritime intends to also provide explanations of the "operating" status where it feels necessary.



Robert J. Keller  
March 14, 2012

Interrogatory No. 14: Maritime agreed to identify which locations of which of its site-based authorizations “were temporarily suspended,” for how long, and for what reason. Maritime also agreed to identify which locations of which of its site-based authorizations “have been inactive for continuous periods of more than one year,” during which time period, and for what reason. Maritime agreed that if it cannot provide the requested information, it will amend its response to reflect this.

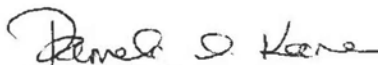
Interrogatory No. 15: Maritime agreed to confirm for each location of each of its site-based authorizations whether it is off-the-air (*i.e.*, not transmitting a signal) and if so, to explain how long it has been off the air, and for what reason. The Bureau understands that Maritime intends to also provide explanations of the “off-the-air” status where it feels necessary.

Interrogatory No. 20: Maritime agreed to identify which locations of its site-based authorizations were constructed in variance to the license requirements.

The Bureau further understands that Maritime agreed to provide its supplemental and/or amended interrogatory responses to Joint Interrogatory Nos. 5, 8, 11, 13, 14, 15, and 20 by close of business on Friday, March 16, 2012.

Should Maritime disagree with the Bureau’s understanding, as set forth above, as to what Maritime agreed to provide in terms of supplemental and/or amended Interrogatory responses, we ask that Maritime identify, as soon as possible, the specifics with which it disagrees and that Maritime explain the information it is prepared to provide instead.

Sincerely,



Pamela S. Kane  
Deputy Division Chief  
Investigations and Hearings Division  
Enforcement Bureau

## **EXHIBIT B**

**Before the  
FEDERAL COMMUNICATIONS COMMISSION  
Washington, D.C. 20554**

In the Matter of

**MARITIME COMMUNICATIONS/LAND  
MOBILE, LLC**

Participant in Auction No. 61 and Licensee of Various  
Authorizations in the Wireless Radio Services  
Applicant for Modification of Various Authorizations  
in the Wireless Radio Services;

Applicant with ENCANA OIL AND GAS (USA), INC.;  
DUQUESNE LIGHT COMPANY; DCP  
MIDSTREAM, LP; JACKSON COUNTY RURAL  
MEMBERSHIP ELECTRIC COOPERATIVE; PUGET  
SOUND ENERGY, INC.; ENBRIDGE ENERGY  
COMPANY, INC.; INTERSTATE POWER AND  
LIGHT COMPANY; WISCONSIN POWER AND  
LIGHT COMPANY; DIXIE ELECTRIC  
MEMBERSHIP CORPORATION, INC.; ATLAS  
PIPELINE—MID CONTINENT, LLC; DENTON  
COUNTY ELECTRIC COOPERATIVE, INC., DBA  
COSERV ELECTRIC; AND SOUTHERN  
CALIFORNIA REGIONAL RAIL AUTHORITY

For Commission Consent to the Assignment of Various  
Authorizations in the Wireless Radio Services

EB Docket No. 11-71  
File No. EB-09-IH-1751  
FRN: 0013587779

Application File Nos.  
0004030479, 0004144435,  
0004193028, 0004193328,  
0004354053, 0004309872,  
0004310060, 0004314903,  
0004315013, 0004430505,  
0004417199, 0004419431,  
0004422320, 0004422329,  
0004507921, 0004153701,  
0004526264, 0004636537,  
and 0004604962

**AMENDED AND FURTHER SUPPLEMENTAL  
RESPONSE TO INTERROGATORIES**

Maritime Communications/Land Mobile, LLC (“Maritime”) hereby respectfully serves  
this amended and further supplemental response to the *Joint Interrogatories to Maritime  
Relating to Nonconstruction and Discontinuance of Site-Based Operations*.

Except as otherwise specifically stated herein, this submission supplements and/or  
clarifies Maritime’s initial response as served on February 6, 2012. This submission supersedes  
and replaces entirely the supplemental and further supplemental responses as served by Maritime  
on February 8, 2012, and 28, 2012, respectively. Revised Tables 1 and 2 appended hereto

supersede and replace entirely prior versions included in the initial, supplemental, and further supplemental responses.

Maritime has done its best under very difficult circumstances to provide as much responsive information as it can. As previously and repeatedly explained, Maritime has extremely limited personnel and financial resources—only three employees and no funds available to pay for additional support—and yet is attempting to deal as best it can with this proceeding as well as other administrative, legal, and litigation matters on multiple fronts. In this regard, it is noted that Interrogatory Nos. 11, 12, 14 & 15 seek, *inter alia*, specific time frames for certain past events. In many cases, Maritime does not know this information and may not be able to determine it, and has so stated in these amended and supplemental responses. Maritime is continuing its effort to determine the time periods to the extent that it can, but was not able to do so in time for inclusion in this filing. By close of business on Monday, March 19, 2012 (earlier if possible), Maritime will provide the Bureau with any additional specific time frames it has been able to determine in response to the referenced interrogatories.

5. *Of the authorizations identified in response to Interrogatory No. 1, above, identify by call sign and location each authorization for which a Station was placed in operation and specify the date when the station was placed in operation.*

The “completion of construction” and “placement into operation” occur simultaneously. Maritime understands that in the AMTS, unlike other services, there is no requirement that a station be actively providing service to any minimum number of subscriber units to be deemed “constructed” or “in operation.” Accordingly, each facility was placed into operation on the date construction was completed. This means that as of that date the station was built, fully operational, and capable of handling two-way traffic, regardless of whether it was actively serving any customer units at the time.

As for those locations listed on Revised Table 2, appended hereto, that indicate construction completion dates in 2001 or later, Maritime makes this statement based, *inter alia*, the knowledge and recollection of Maritime employees who were involved at the time as employees of Mobex. As for the other locations, please refer to Maritime’s response to Interrogatory No. 25 of *Enforcement Bureau’s First Set of Interrogatories to*

*Maritime Relating to Nonconstruction and Discontinuance of Site-Based Operations* as served by Maritime on March 13, 2012.

To the extent Maritime has been able to document a specific construction completion date, the date is indicated in Revised Table 2 together with a reference to the document production number or Bates page number on which the date is based.

8. *Of the authorizations identified in response to Interrogatory No. 1, above, identify by call sign and location each authorization with a Station for which Maritime has end user customers who are actually paying for and using AMTS services.*

Maritime does not currently have direct end users for AMTS services as such. Pursuant to the Commission's secondary market policies, Maritime leases AMTS spectrum within the authorized footprint service area of its incumbent station licenses to certain entities. Maritime leases spectrum pursuant to the following incumbent facilities:

- Station KAE889, Locations 3 and 6, to the Evergreen School District
- Station KAE889, Locations 4, 20, 30, 34, and 48, to Puget Sound Energy
- Station WRV374, Locations 15 and 25, to Pinnacle Wireless
- Station WRV374, Locations 12 and 39, to CCN
- Station WHG750 to Duquesne Light

In addition to these incumbent locations expressly subject to spectrum leases, Maritime's operations are restricted at other incumbent locations due the need to provide interference protection to lessees of spectrum under geographic licenses. Specific instances are discussed in Maritime's Response to Interrogatories served on March 13, 2012.

11. *Of the authorizations identified in response to Interrogatory No. 10, above, identify any period of time for which any Station was not interconnected.*

Except as otherwise stated in the next paragraph, all stations were interconnected until sometime in 2007. Maritime does not know the exact time in 2007 when interconnection was removed. None of the stations has been interconnected since that time.

Stations KA98625 and WHW848 have never been interconnected. Stations WFN and WRD58 previously had operator-assisted access to the PSTN until sometime in approximately 2002. To the best of Maritime's knowledge, Station WHX877 was never interconnected. Maritime has not yet constructed, and therefore has not established interconnection for, any facilities pursuant to the geographic licenses (WQGF315, WQGF316, WQGF317, and WQGF318).



13. *As to each authorization identified in response to Interrogatory No. 1, above, identify by call sign and location each authorization for which a Station is currently operating. As to each such authorization, state whether the Station has been in continuous operation and, if not, explain why not.*

For purposes of these interrogatory responses, Maritime considers a station to be operating if: (a) it is fully constructed, operational, and capable of handling two way traffic, regardless of whether it is currently serving end users; and/or (b) the use of spectrum authorized by the licenses has been leased to a third party within the authorized footprint of the station. Table 2, appended hereto, indicates that operational status of the stations. That listing indicates, by the designators L and O, those stations that are currently operational pursuant to spectrum lease or otherwise.

To the best of Maritime's knowledge, and except as specifically disclosed in Revised Table 2, all of the incumbent AMTS were continuously operational from the time of initial construction to at least January of 2006.<sup>1</sup> Maritime has never intentionally terminated operations at any of these stations. Nevertheless, stations may have become temporarily nonoperational at various times after early 2006 due to a combination of factors as previously explained (primarily, inability to meet site lease payments and other obligations). In many instances, notwithstanding these financial difficulties, the stations remained operational—i.e., the facilities remained in place, connected, and fully operational—notwithstanding any financial delinquencies.

It has always been, and remains, Maritime's intention to regularize operations at its stations as financial conditions permit. Thus, in many instances Maritime has renegotiated delinquent or terminated site leases and visited certain sites to verify the operational status of the stations and perform any needed repairs or maintenance. In several of these instances, Maritime discovered that the landlord had left the stations intact. Nevertheless, because of these circumstances described above and various other factors explained and discussed in prior responses to discovery requests, Maritime does not affirmatively know the status of stations that it has not been able to visit in the recent past. Accordingly, for many of the stations on the list, the code U indicates that the status is unknown to Maritime at this time.

Maritime has nonetheless made a good faith effort, within the scope of its limited financial resources, to determine as best it can, the operational status of the listed stations, short of having to physically visit the sites in question, and where it has been able to verify such temporary discontinuance has used a status code of T on Revised Table 2, where # indicates (where known) the reason for temporary discontinuance as explained in the key at the end of the listing.

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<sup>1</sup> In Revised Table 2, Maritime indicates (by the use of the status code "T") those incumbent stations that are currently in temporary nonoperational status. While it is believed most of these stations became nonoperational since early 2006 (and some of them very recently) a few of them may have become nonoperational prior to that time. As explained elsewhere, Maritime is attempting, to the best of its ability, to determine more precise time periods and will provide whatever additional information it can to the Bureau as soon as possible.



Finally, the stations listed with the codes G or G1 on Revised Table 2 are licenses for authority that is now wholly subsumed within the scope of Maritime's geographic licenses, and their status is therefore irrelevant to the resolution of issue (g). Because of this, and also given Maritime's extremely limited resources, Maritime has not attempted to verify the status of these facilities.

14. *Of the authorizations identified in response to Interrogatory No. 1, above, identify by call sign and location each authorization for which a Station has ever discontinued operating for any reason for a continuous period of one year or more. As to each such authorization, (a) specify the date(s) when the Station discontinued operating and, if applicable, when it resumed operating; and (b) explain fully why the Station discontinued operating for a period of one year or more.*

Supplemental Response: For purposes of this response, Maritime considers an "operating" station to be one meeting the conditions set forth in the first paragraph of the response to Interrogatory No. 13, above. Maritime stands by its previous objection to any implication that one year, or any other time period, has any absolute relevance to the designated issue. Maritime also does not concede that the lack of current, active end users or transmissions at a particular location constitutes permanent discontinuance.

Except as otherwise disclosed in the response to Interrogatory No. 14, below, Maritime is not able to provide a discrete, exact timeframe during which particular stations were not operating. Maritime has never made an intentional decision to discontinue operations at any particular station, so that in most cases there was no event promoting the recording of any particular date, except as otherwise disclosed herein. In some cases facilities may have been rendered non-operational, not by Maritime's actions or intent, but by factors and circumstances beyond its control, e.g., termination of utilities for non-payment, removal of facilities by landlords, etc. Such discontinuances are not permanent. Maritime has always intended to cure any monetary delinquencies when able, and has in fact reestablished and resumed operations after periods of temporary discontinuance.

Maritime currently lacks the financial resources and staff to visit or otherwise verify the specific operational status of each of its locations to determine where, when, and for how long there may have been such unintentional, temporary discontinuances. To the extent it has information regarding the operational status of the stations, this is provided in the response to Interrogatory 15, below.

15. *Of the authorizations identified in response to Interrogatory No. 1, above, identify by call sign and location each authorization for which a Station is currently off the air and not operating. As to each such authorization, explain why and for how long it has been off the air and not operating.*

Please refer to response to Interrogatory No. 14, above, and Revised Table 2.

16. *With respect to each authorization identified in response to Interrogatory No. 1, above, describe the coverage area provided by any Station that was constructed.*

The coverage area for each station is the predicted 38 dB $\mu$  contour calculated in accordance with the Commission's applicable standards for this service.

18. *Identify all persons who, on behalf of Maritime, were involved in the following in any manner, at any time, and to any extent whatsoever:*

- a. *constructing any Station associated with any authorization identified in response to Interrogatory No. 1, above;*
- b. *placing in operation any Station associated with any authorization identified in response to Interrogatory No. 1, above;*
- c. *operating or maintaining any Station associated with any authorization identified in response to Interrogatory No. 1, above;*
- d. *discontinuing operations of any Station associated with any authorization identified in response to Interrogatory No. 1, above; and/or*
- e. *entering into any contracts, agreements, arrangements or understanding related to the purchase or lease of equipment and/or of real estate and/or the hiring of personnel involved in the construction and/or placing into operation of any Station associated with any authorization identified in response to Interrogatory No. 1, above.*

Such persons are listed below together with, when available, last known contact information,

Current Maritime personnel: John Reardon (operations manager), Robert T. Smith (engineer), and Sharon Watkins (bookkeeper).

Former Regionet principals and/or personnel:

Fred Daniel (formerly Orion Telecom)  
29 Harcourt  
Newport Coast CA 92657

Paul vander Heyden (aka Paul Vanderheijden)  
Scuderia Topolino  
981B Trinity Road  
Raleigh, NC 27607  
919 842-3880

Gordon Day (Day Wireless)  
4700 SE International Way  
Milwaukie, OR, 97222  
503-659-1240

Former Watercom principals and/or personnel:

John G. Smith  
502-592-7074  
Jgs4@insightbb.com

David Poe  
Engineering Manager  
Meade County RECC  
1351 Highway 79  
Brandenburg, Kentucky 40108  
Tel: 270-422-2911

Dwayne Kinard (no information at this time)

Former Mobex principals and/or personnel:

John Reardon, Robert T. Smith, and Sharon Watkins (currently with Maritime)

David Predmore  
14037 Baneberry Circle  
Manassas, VA 20112

Nancy Krajcar (on information and belief, currently a Teacher in the Mount Diablo Unified School District, California)

Paul vander Heyden (listed in a prior section, above)

Will Greene (no information at this time)

Scott Preston  
High Street Partners  
222 Severn Avenue  
Building 14, Suite 100  
Annapolis, MD 21403  
410-858-4568

Motorola personnel:

Ken Notter, Motorola  
847-576-4322 (work)  
630-546-2682

John E. Jaderholm  
Senior Business Development Manager  
Government & Commercial Markets  
System Solutions Team  
1303 E. Algonquin Road, 4th Floor  
Schaumburg, IL 60196  
847-538-0767

Many current and former customers/lessees, including Central Communications Network, Inc., SCR, Inc., Day Wireless, Inc., and Pinnacle Wireless (a party to this proceeding).

An outside contractor was used to construct the initial Watercom system (those incumbent stations with call signs beginning "WHG"). The main contractor was a company called Tracor. On information and belief this is the government contracting firm that is now owned by GE. A subcontractor was US Tower, a firm based in Frederick, Maryland. As stated in a previous supplemental response, this was prior to the time any of the current employees were with the company and Maritime therefore does not have any further details beyond what may be in the documents already produced to the Bureau.

20. *With respect to each authorization identified in response to Interrogatory No. 1, above, identify by call sign and location each authorization for which a Station was constructed in accordance with the requirements of the relevant license, including geographic coordinates, antenna heights, and other technical parameters included on the license.*

All of them, except such minor variations as were reported to the Commission. For the locations listed on Revised Table 2 including a document production or Bates page number, any reported minor variations are included in the specifically referenced documents. For the other locations, to the best of Maritime's knowledge, but subject to the limitations explained in the response to Interrogatory No. 5, above, Maritime believes in good faith that the facilities were constructed in accordance with the authorizations.

Respectfully Submitted,



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Robert J. Keller  
Counsel for Maritime Communications/  
Land Mobile, LLC

Email: [rjk@telcomlaw.com](mailto:rjk@telcomlaw.com)  
Telephone: 202.656.8490  
Facsimile: 202.223.2121

Law Offices of Robert J. Keller, P.C.  
PO Box 33428  
Washington, D.C. 20033

Dated: March 16, 2012

**Declaration of Robert T. Smith**

I, Robert T. Smith, state that I have assisted in the preparation of and have reviewed a final draft of the amended and supplemental response of Maritime Communications/Land Mobile, LLC to the Joint Interrogatories to Maritime Relating to Nonconstruction and Discontinuance of Site-Based Operations in Federal Communications Commission EB Docket No. 11-71; that I am generally familiar with the factual matters addressed in said response; and that the factual assertions made in the response are, to the best of my knowledge, information, and belief, are true and accurate, and are made in good faith.

I hereby declare under penalty of perjury that the foregoing is true and correct.

Executed this 16th day of March, 2012.

  
Robert T. Smith



Revised Table 1 – Page 1 of 2

HDO.A	Call Sign	Original Grant Date	Current Exp. Date	Most Recent Renewal		Previous Renewal
				File Number	Renewed	
1	WQGF315	07-Sep-05	29-Dec-16	N/A	N/A	N/A
2	WQGF316	07-Sep-05	29-Dec-16	N/A	N/A	N/A
3	WQGF317	07-Sep-05	29-Dec-16	N/A	N/A	N/A
4	WQGF318	07-Sep-05	29-Dec-16	N/A	N/A	N/A
5	KA98265	?	07-Aug-12	0000982201	06-Aug-02	?
6	KAE889	1999	07-Sep-14	0001768691	28-Dec-04	N/A
7	KCE278	15-Jul-99	14-Jul-13	0001370847	28-Dec-04	N/A
8	KPB531	15-Jul-99	14-Jul-13	0001370848	28-Dec-04	N/A
9	KUF732	15-Jul-99	14-Jul-13	0001370850	28-Dec-04	N/A
10	WFN	?	13-May-13	0001264766	27-May-03	?
11	WHG693	1991 or earlier?	10-Dec-12	0001082495	02-Jul-03	R998766
12	WHG701	1991 or earlier?	10-Dec-12	0001082496	02-Jul-03	R998720
13	WHG702	1991 or earlier?	10-Dec-12	0001082497	02-Jul-03	R998765
14	WHG703	1991 or earlier?	10-Dec-12	0001082498	02-Jul-03	R998764
15	WHG705	1991 or earlier?	10-Dec-12	0001082499	02-Jul-03	R998763
16	WHG706	1991 or earlier?	10-Dec-12	0001082500	02-Jul-03	R998762
17	WHG707	1991 or earlier?	10-Dec-12	0001082501	02-Jul-03	R998761
18	WHG708	1991 or earlier?	10-Dec-12	0001082502	02-Jul-03	R998719
19	WHG709	1991 or earlier?	10-Dec-12	0001082503	02-Jul-03	R998760
20	WHG710	1991 or earlier?	10-Dec-12	0001082504	02-Jul-03	R998759
21	WHG711	1991 or earlier?	10-Dec-12	0001082505	02-Jul-03	R998758
22	WHG712	1991 or earlier?	10-Dec-12	0001082506	02-Jul-03	R998757
23	WHG713	1991 or earlier?	10-Dec-12	0001082507	02-Jul-03	R998756
24	WHG714	1991 or earlier?	10-Dec-12	0001082508	02-Jul-03	R998755
25	WHG715	1991 or earlier?	10-Dec-12	0001082509	02-Jul-03	R998718
26	WHG716	1991 or earlier?	10-Dec-12	0001082510	02-Jul-03	R998754
27	WHG717	1991 or earlier?	10-Dec-12	0001082511	02-Jul-03	R998753
28	WHG718	1991 or earlier?	10-Dec-12	0001082512	02-Jul-03	R998717
29	WHG719	1991 or earlier?	10-Dec-12	0001082513	02-Jul-03	R998752
30	WHG720	1991 or earlier?	10-Dec-12	0001082514	02-Jul-03	R998751
31	WHG721	1991 or earlier?	10-Dec-12	0001082515	02-Jul-03	R998750
32	WHG722	1991 or earlier?	10-Dec-12	0001082516	02-Jul-03	R998749
33	WHG723	1991 or earlier?	10-Dec-12	0001082517	02-Jul-03	R998748
34	WHG724	1991 or earlier?	10-Dec-12	0001082518	02-Jul-03	R998716
35	WHG725	1991 or earlier?	10-Dec-12	0001082519	02-Jul-03	R998747
36	WHG726	1991 or earlier?	10-Dec-12	0001082520	02-Jul-03	R998746
37	WHG727	1991 or earlier?	10-Dec-12	0001082521	02-Jul-03	R998745

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HDO.A	Call Sign	Original Grant Date	Current Exp. Date	Most Recent Renewal		Previous Renewal
				File Number	Renewed	
38	WHG728	1991 or earlier?	10-Dec-12	0001082522	02-Jul-03	R998744
39	WHG729	1991 or earlier?	10-Dec-12	0001082523	02-Jul-03	R998743
40	WHG730	1991 or earlier?	10-Dec-12	0001082524	02-Jul-03	R998715
41	WHG731	1991 or earlier?	10-Dec-12	0001082525	02-Jul-03	R998742
42	WHG732	1991 or earlier?	10-Dec-12	0001082526	02-Jul-03	R998741
43	WHG733	1991 or earlier?	10-Dec-12	0001082527	02-Jul-03	R998740
44	WHG734	1991 or earlier?	10-Dec-12	0001082528	02-Jul-03	R998714
45	WHG735	1991 or earlier?	10-Dec-12	0001082529	02-Jul-03	R998739
46	WHG736	1991 or earlier?	10-Dec-12	0001082530	02-Jul-03	R998738
47	WHG737	1991 or earlier?	10-Dec-12	0001082531	02-Jul-03	R998737
48	WHG738	1991 or earlier?	10-Dec-12	0001082532	02-Jul-03	R998736
49	WHG739	1991 or earlier?	10-Dec-12	0001082533	02-Jul-03	R998735
50	WHG740	1991 or earlier?	10-Dec-12	0001082534	02-Jul-03	R998713
51	WHG741	1991 or earlier?	10-Dec-12	0001082535	02-Jul-03	R998734
52	WHG742	1991 or earlier?	10-Dec-12	0001082536	02-Jul-03	R998733
53	WHG743	1991 or earlier?	10-Dec-12	0001082537	02-Jul-03	R998732
54	WHG744	1991 or earlier?	10-Dec-12	0001082538	02-Jul-03	R998731
55	WHG745	1991 or earlier?	10-Dec-12	0001082539	02-Jul-03	R998730
56	WHG746	1991 or earlier?	10-Dec-12	0001082540	02-Jul-03	R998712
57	WHG747	1991 or earlier?	10-Dec-12	0001082541	02-Jul-03	R998729
58	WHG748	1991 or earlier?	10-Dec-12	0001082542	02-Jul-03	R998728
59	WHG749	1991 or earlier?	10-Dec-12	0001082543	02-Jul-03	R998727
60	WHG750	1991 or earlier?	10-Dec-12	0001082544	02-Jul-03	R998726
61	WHG751	1991 or earlier?	10-Dec-12	0001082545	02-Jul-03	R998725
62	WHG752	1991 or earlier?	10-Dec-12	0001082546	02-Jul-03	R998724
63	WHG753	1991 or earlier?	10-Dec-12	0001082547	02-Jul-03	R998723
64	WHG754	1991 or earlier?	10-Dec-12	0001082548	02-Jul-03	R998722
65	WHV733	?	08-Nov-15	0002363519	30-Jan-07	?
66	WHV740	?	08-Nov-15	0002363520	30-Jan-07	?
67	WHV843	?	08-Nov-15	0002363521	30-Jan-07	?
68	WHW848	?	16-Jun-14	0001768693	11-Jun-04	?
69	WHX877	?	05-Jan-15	0001989848	31-Dec-04	?
70	WRD580	?	23-Sep-13	0001370851	05-Sep-03	?
71	WRV374	30-Nov-98	30-May-11*	0000443747	02-Jul-01	N/A

\* current renewal pending, File No. 0004738157

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Call Sign	Loc	Status	Date Granted	Construction Deadline	Construction Completed	Doc. Ref.	City	County	ST
KAE889	3	L			30-Sep-99	G_017253	CAMAS	CLARK	WA
	4	L			30-Sep-99	G_017417	RAINIER	THURSTON	WA
	6	U			30-Sep-99	G_017715	SALEM	MARION	OR
	8	G			29-May-99	G_017733	BAKERSFIELD	KERN	CA
	12	O					PHOENIX	JACKSON	OR
	13	L			20-Sep-99	G_018039	PORTLAND	MULTNOMAH	OR
	14	G			26-Feb-98		CORONA	ORANGE	CA
	20	L			29-May-99	G_018374	ORCAS ISLAND	SAN JUAN	WA
	22	U			20-Sep-99	G_018522	EUGENE	LANE	OR
	26	G			20-Sep-99	G_018660	SALINAS	MONTEREY	CA
	27	G					SAN RAFAEL	MARIN	CA
	28	G					WALNUT CREEK	CONTRA COSTA	CA
	30	L			20-Sep-99	G_018962	BREMERTON	JEFFERSON	WA
	33	G			29-May-99	G_019084	LOS GATOS	SANTA CLARA	CA
	34	L			20-Sep-99	G_019195	OLYMPIA	THURSTON	WA
	37	G			29-May-99	G_019323	MODESTO	STANISLAUS	CA
	39	G			29-May-99	G_019481	COALINGA	FRESNO	CA
	40	G			29-May-99	G_019538	PINE VALLEY	SAN DIEGO	CA
	44	G			29-May-99	G_019703	PALMDALE	LOS ANGELES	CA
	46	L			20-Sep-99	G_019763	WOODBURN	MARION	OR
	48	L			20-Sep-99	G_019802	SEATTLE	KING	WA
KCE278	1	G	15-Jul-99	14-Jul-01	25-Jun-01	G_019845 - G_019857	CHARLEVOIX	CHARLEVOIX	MI
	2	G	15-Jul-99	14-Jul-01			ROGERS CITY	PRESQUE ISLE	MI
KPB531	1	G	15-Jul-99	14-Jul-01	21-Jun-01	G_022475 - G_0220476	MUSKEGON	MUSKEGON	MI
	2	G	15-Jul-99	14-Jul-01	6-Jun-01	G_022535 - G_022538	MICHIGAN CITY	LA PORTE	IN
	3	G	15-Jul-99	14-Jul-01	6-Jun-01	G_022582	KENOSHA	KENOSHA	WI
	4	G	15-Jul-99	14-Jul-01	13-Jul-01	G_022669 - G_022671	MILWAUKEE	MILWAUKEE	WI
	5	G	26-May-00	26-May-02	17-May-02	G_022720	LAKE ZURICH	LAKE	IL
WHG693	1	G1, U					VENICE	PLAQUEMINES	LA
WHG701	1	G1, T1					SANTA ROSA BEACH	WALTON	FL
WHG702	1	G1, T1					THEODORE	MOBILE	AL



Revised Table 2 (rev. 3) – Page 2 of 5

Call Sign	Loc	Status	Date Granted	Construction Deadline	Construction Completed	Doc. Ref.	City	County	ST
WHG703	1	G1, O					DELISLE	HARRISON	MS
WHG705	1	G1, T					AMELIA	ASSUMPTION	LA
WHG706	1	G1, T2					INTRACOASTAL CITY	VERMILION	LA
WHG707	1	G1, T1					PORT ARTHUR	JEFFERSON	TX
WHG708	1	G1, U					DICKINSON	GALVESTON	TX
WHG709	1	G1, O					BAY CITY	MATAGORDA	TX
WHG710	1	G1, U					ARANSAS PASS	SAN PATRICIO	TX
WHG711	1	G1, U					RIVIERA	KLEBERG	TX
WHG712	1	G1, O					JEFFERSON HEIGHTS	JEFFERSON	LA
WHG713	1	G1, T2					CARVILLE	IBERVILLE	LA
WHG714	1	G1, O					REDWOOD	WARREN	MS
WHG715	1	G1, O					WAYSIDE	WASHINGTON	MS
WHG716	1	G1, T2					LAKE CORMORANT	DESOTO	MS
WHG717	1	G1, T2					SAMBURG	OBION	TN
WHG718	1	G1, T2					ALTO PASS	UNION	IL
WHG719	1	G1, O					MADONNAVILLE	MONROE	IL
WHG720	1	G1, O					GRAFTON	JERSEY	IL
WHG721	1	G1, T					SAVERTON	RALLS	MO
WHG722	1	G1, T1					ADRIAN	HANCOCK	IL
WHG723	1	G1, O					REYNOLDS	ROCK ISLAND	IL
WHG724	1	G1, T2					MILES	JACKSON	IA
WHG725	1	G1, O					SHERRILL	DUBUQUE	IA
WHG726	1	G1, T					MIDWAY	MASSAC	IL
WHG727	1	G1, T2					HEBBARDSVILLE	HENDERSON	KY
WHG728	1	G1, 2					ELIZABETH	FLOYD	IN
WHG729	1	G1, T2					BEDFORD	TRIMBLE	KY
WHG730	1	G1, T2					INDEPENDENCE	KENTON	KY
WHG731	1	G1, T2					FAIRVIEW	ADAMS	OH
WHG732	1	G1, T2					LETITIA	GREENUP	KY
WHG733	1	G1, O					GREASY RIDGE	LAWRENCE	OH
WHG734	1	G1, O					MEREDOSIA	MORGAN	IL

Revised Table 2 (rev. 3) – Page 3 of 5

Call Sign	Loc	Status	Date Granted	Construction Deadline	Construction Completed	Doc. Ref.	City	County	ST
WHG735	1	G1, O					HANNA CITY	PEORIA	IL
WHG736	1	G1, T2					TONICA	LA SALLE	IL
WHG737	1	G1, O					LOCKPORT	WILL	IL
WHG738	1	G1, T2					FORDS FERRY	CRITTENDEN	KY
WHG739	1	G1, T1					MOOLEYVILLE	BRECKINRIDGE	KY
WHG740	1	G1, T2					BASHAN	MEIGS	OH
WHG741	1	G1, O					BROWNSVILLE	MONROE	OH
WHG742	1	G1, T2					LANSING	ALLAMAKEE	IA
WHG743	1	G1, O					WITOKA	WINONA	MN
WHG744	1	G1, T2					DIAMOND BLUFF	PIERCE	WI
WHG745	1	G1, T1					LAUREL HILL	WEST FELICIANA	LA
WHG746	1	G1, O					PINE RIDGE	ADAMS	MS
WHG747	1	G1, T2					RENA LARA	COAHOMA	MS
WHG748	1	G1, T2					FULTON	LAUDERDALE	TN
WHG749	1	G1, T2					SHADYSIDE	BELMONT	OH
WHG750	1	G1, O					HOOKSTOWN	BEAVER	PA
WHG751	1	G1, O					AVALON BEACH	SANTA ROSA	FL
WHG752	1	G1, O					LAKE CHARLES	CALCASIEU	LA
WHG753	1	G1, T1					PORT LAVACA	CALHOUN	TX
WHG754	1	G1, T1					RAYMONDSVILLE	WILLACY	TX
WHV733	1	U					STOKES COUNTY	STOKES	NC
	2	U					HILLSBOROUGH	ORANGE	NC
	3	U					ROCKFISH	CUMBERLAND	NC
WHV740	2	U					AUGUSTA	RICHMOND	GA
WHV843	1	U					CEASARS HEAD	GREENVILLE	SC
	5	U					GASTONIA	GASTON	NC
	6	U					LITTLE MOUNTAIN	NEWBERRY	SC
KA98265	Mobile	N/A			N/A		handhelds nr Mississippi & tributaries		
WFN	VHF/HF	U					VHF & HF Jeffersonville/Lanesville IN		
WHX877	HF	U					HF Jeffersonville IN		